IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10983 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHANKARBHAI KIKABHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR MM TIRMIZI for Petitioner

MR SAMIR J DAVE for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/02/2001

ORAL JUDGEMENT

#. The petitioner was detained as a bootlegger under the order of the Police Commissioner dated 21-9-2000.

#. Grievance is made that though demand has been made in the representation but despite of the same, copies of

statements of witness, namely, Shri S.M. Rathod recorded in CR No.1458/2000 have not been supplied to him.

#. Reply to the special civil application has not been filed though more than four months time was available to the respondents for filing thereof, and as such, the averments made by the petitioner stand uncontroverted. Orally, it is contended that the statements of this witness have not been recorded but as the detaining authority has not filed the affidavit, this oral statement cannot be relied upon.

#. As a result of the aforesaid discussion, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 21-9-2000 is quashed and set aside. The petitioner Shankarbhai Kikabhai Patel, the detenu, at present in Porbandar Special Jail, Porbandar be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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